

Kofri Mustafar v Public Prosecutor

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COURT OF APPEAL (PUTRAJAYA) — CRIMINAL TRIAL NO C-05-44
OF 2001

SURIYADI, KN SEGARA AND AHMAD MAAROP JJCA
28 OCTOBER 2009

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*Criminal Law — Murder — Defence — Loss of memory — Whether proven —
Whether medical evidence adduced — Whether defence of unsound mind to be
established at earliest possible moment*

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*Criminal Law — Penal Code — s 302—Murder — Appeal — Whether prima
facie case proven — Whether evidence of interested witness reliable — Whether
accused suffered from loss of memory at time of offence*

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*Evidence — Witness — Interested witness — Murder — Evidence of interested
witness entitled to credence unless contrary evidence shown*

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The appellant was charged under s 302 of the Penal Code ('Code') for the offence of having murdered one Jemilah bt Mat Idris. SP8 (daughter of the deceased) evinced that on 23 July 1999 at about 8.30am the appellant had persuaded the deceased and her to follow him on the pretext that his mother had invited them to his mother's house. SP8 rode a motorcycle with the deceased riding pillion. The appellant rode another motorcycle. Along the way, the appellant's motorcycle fell. SP7, a labourer who was laying pipes at that time helped to retrieve the motorcycle. The deceased, SP8 and the appellant then continued their journey. En route, the appellant stopped the deceased and struck her with a piece of metal (P10). SP8 witnessed the incident first hand. According to SP8, the appellant had several times threatened to kill the deceased for rejecting his overtures to marry SP8. The latter told a few people including the aunt of the deceased ie SP4 of this threat. SP9 also confirmed that SP8 related the threat to him. SP7 testified that when he was helping to retrieve the motorcycle, he saw the piece of metal (P10) falling on the ground from the appellant's motorcycle. SP7 also identified SP8 as the girl who was with the deceased at the time he helped retrieve the appellant's motorcycle. The medical reports established that the deceased died of injuries after being hit by a hard object. The defence claimed that SP8's evidence was not corroborated and thus was unreliable. The appellant claimed that he had suffered from a loss of memory whilst his other witnesses alleged that he was of unsound mind. The learned judge at the end of the prosecution was satisfied that a prima facie case of murder under s 302 of the Penal Code had been established. The appellant

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A was convicted and sentenced to death by hanging. Hence this appeal by the appellant.

Held, dismissing the appeal:

B (1) SP8's sworn evidence had been corroborated in every way by
independent evidence. There is no known legal presumption or
otherwise, that states that every time an interested witness testifies his
evidence must be disbelieved without more. Unless there is any cogent
evidence to show otherwise his evidence is entitled to be believed. SP8
C merely related what happened on that day, and without any contrary
evidence having been adduced her evidence was entitled to credence (see
para 12).

D (2) The appellant had put up a defence of loss of memory whilst unwittingly
his other witnesses were alleging he was of unsound mind. His defence
was at variance with that of his other witnesses. At no stage of his
testimony did he evince that he was of unsound mind. The independent
defence of loss of memory as testified by the appellant himself was
rejected by the learned judge, as it was unacceptable that he could not
remember the incriminating memories whilst he could remember
E incidents that had no connection to the murder incident, though they
had happened at about the same time. Further, no medical evidence was
adduced to support the unsound mind contention (see para 13).

F (3) Defence of unsound mind needs to be established at the earliest possible
moment ie at the prosecution's stage. This did not take place here. Under
s 105 of the Evidence Act 1950, the legal burden is on the appellant to
establish the fact that he committed the act in a moment of unsound
mind (see paras 21–22).

G **[Bahasa Malaysia summary]**

Perayu dituduh di bawah s 302 Kanun Keseksaan ('Kanun') bagi kesalahan
membunuh Jemilah bt Mat Idris. SP8 (anak perempuan si mati) menyatakan
bahawa pada 23 Julai 1999 lebih kurang pada pukul 8.30 pagi, perayu telah
memujuknya dan si mati untuk mengikutnya atas alasan bahawa ibunya
H mengajak mereka datang ke rumah. SP8 menunggang motosikal bersama si
mati sebagai pembonceng. Perayu menaiki motosikal yang lain. Dalam
perjalanan, motosikal perayu jatuh. SP7, seorang buruh yang sedang
memasang paip ketika itu, membantu mengangkat motosikalnya. Si mati, SP8
dan perayu kemudiannya meneruskan perjalanan mereka. Dalam perjalanan,
I perayu memberhentikan si mati dan memukulnya dengan sebatang besi
(‘P10’). SP8 menyaksikan sendiri insiden tersebut. Menurut SP8, perayu telah
beberapa kali mengugut untuk membunuh kerana menolak pinangan untuk
mengahwini SP8. SP8 telah memberitahu beberapa orang termasuk ibu
saudara si mati iaitu SP4 mengenai ugutan ini. SP9 juga mengesahkan bahawa

SP8 ada memberitahu mengenai ugutan ini kepadanya. SP7 memberi keterangan bahawa ketika membantu mengangkat motosikal, dia nampak sebatang besi (P10) jatuh ke atas tanah dari motosikal perayu. SP7 juga mengenalpasti SP8 sebagai perempuan yang bersama dengan si mati ketika dia membantu mengangkat motosikal perayu. Laporan perubatan mengesahkan bahawa si mati meninggal dunia akibat kecederaan selepas dipukul oleh objek keras. Pihak pembelaan mendakwa bahawa keterangan SP8 tidak disokong dan oleh itu, tidak boleh dipercayai. Perayu mendakwa bahawa dia kehilangan memori dan saksi-saksinya yang lain juga mendakwa bahawa dia sakit jiwa. Di akhir pendakwaan, hakim berpuas hati bahawa sebuah kes prima facie bunuh di bawah s 302 Kanun telah berjaya diwujudkan. Perayu disabitkan dan dihukum gantung sampai mati. Ini adalah rayuan oleh perayu.

Diputuskan, menolak rayuan:

- (1) Keterangan bersumpah SP8 telah disokong dalam semua cara melalui bukti bebas. Tiada anggapan undang-undang atau sebaliknya, yang menyatakan bahawa setiap saksi berkepentingan yang memberi keterangan mestilah tidak dipercayai tanpa lebih. Melainkan terdapat keterangan jelas untuk menunjukkan sebaliknya, keterangannya boleh dipercayai. SP8 hanya memberitahu apa yang telah terjadi pada hari itu dan tanpa sebarang keterangan bercanggah yang dikemukakan, keterangannya boleh dipercayai (lihat perenggan 12).
- (2) Perayu telah mengemukakan pembelaan kehilangan memori sedangkan tanpa disedari saksi-saksinya yang lain mendakwa dia sakit jiwa. Pembelaannya bercanggah dengan saksi-saksinya yang lain. Tiada di mana-mana peringkat dalam keterangannya dia menunjukkan bahawa dia sakit jiwa. Pembelaan bebas mengenai kehilangan memori seperti yang dikemukakan oleh perayu sendiri ditolak oleh hakim, kerana ia tidak boleh diterima bahawa dia tidak berupaya ingat memori terbabit sedangkan dia ingat insiden-insiden yang tiada kaitan dengan insiden bunuh, walaupun ia berlaku pada masa yang sama. Tambahan lagi, tiada laporan perubatan yang dikemukakan untuk menyokong dakwaan sakit jiwa (lihat perenggan 13).
- (3) Pembelaan sakit jiwa harus diwujudkan seawal mungkin iaitu di peringkat pendakwaan. Ia tidak terpakai di sini. Di bawah s 105 Akta Keterangan 1950, beban pembuktian terletak ke atas perayu untuk mewujudkan fakta bahawa dia melakukan perbuatan tersebut dalam keadaan sakit jiwa (lihat perenggan 21–22).]

Notes:

For cases on defence of murder, see 4 *Mallal's Digest* (4th Ed, 2011 Reissue) paras 1355–1369

- A For cases on s 302 of the Penal Code, see 4 *Mallal's Digest* (4th Ed, 2011 Reissue) paras 1698–1766

Cases referred to

- B *Alcontara a/l Ambross Anthony v PP* [1996] 1 MLJ 209; [1996] 1 CLJ 705, FC (refd)
Balasingham v PP [1959] MLJ 193 (refd)
Jayasena v R [1970] 1 All ER 219 (refd)
John Dawlat Moon (1927) 29 CrLJ 393, ; 1928 AIR (P) 363 (refd)
M' Naghten's Case (1843) 10 Cl & Fin 200 (refd)
C *Nobin Chunder Banerjee* (1873) 20 WR (Cr) 70 (refd)
PP v Fong Chee Cheong [1970] 1 MLJ 97 (refd)
Woolmington v DPP [1935] AC 462 (refd)

Legislation referred to

- D Evidence Act 1950 ss 45, 105,
Penal Code ss 84, 302
Muhammad Faiz bin Fadzil (Faiz Fadzil & Co) for the appellant.
Tengku Amir Zaki bin Tengku Hj Abdul Rahman (The Attorney General) for the respondent.
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Suriyadi JCA (delivering judgment of the court):

- F [1] The appellant was indicted under s 302 of the Penal Code before the learned High Court judge and was found guilty. He was accordingly convicted, and sentenced to death by hanging. He filed an appeal and this panel heard it but at the end of the hearing dismissed it. We also affirmed the conviction and sentence.

- G [2] The charge reads as follows:

- H Bahawa kamu pada 23 hb Julai 1999 jam lebih kurang 8.30 pagi, bertempat di Simpang Permatang Durian, Nenasi, dalam Daerah Pekan dalam Negeri Pahang Darul Makmur, dengan niat membunuh, didapati telah menyebabkan kematian kepada Jemilah bt Mat Idris kp No. 630408-06-5438, berumur 36 tahun, maka kamu dengan ini telah melakukan kesalahan membunuh dengan niat yang boleh dihukum di bawah seksyen 302 Kanun Keseksaan.

- I [3] The flow of the case and evidence is as follows:

- [4] The prosecution had called 17 witnesses with SP8 as the main witness. This witness, who is the daughter of the deceased ie Jemilah bt Mat Idris, evinced that on 23 July 1999 at about 8.30am the appellant had persuaded the

deceased and her to follow him on the pretext that his mother had invited them to his mother's house. The deceased and SP8 believing in his inducement followed him. She rode a motorcycle, with the deceased riding pillion. The appellant rode another motorcycle. Along the way, the motorcycle of the appellant fell. SP7, a labourer who was laying pipes at that time helped to retrieve the motorcycle. From this vehicle he saw a piece of metal ('P10') falling on the ground, the very item used to hit the deceased. He positively identified that piece of metal at the police station and in court. SP8 also saw it falling off the motorcycle of the appellant. This metal was later retrieved from the scene by SP17 ie the investigation officer. SP12, a policeman confirmed that SP8 and SP7 identified the piece of metal which fell off the motorcycle in the course of the investigation. SP7 also identified SP8 as the girl who was with the deceased at the time he helped retrieve the appellant's motorcycle. This piece of information confirmed the evidence that SP8 was with the deceased during the time of the incident. To add to the above pieces of evidence, to connect the appellant to the incident, SP17 found the appellant's abandoned motorcycle (PAH 2437) about 1.5km away. SP11, the brother of the appellant and owner of the vehicle confirmed that he loaned that motorcycle to him a day before the incident. When examined he told the court that he had no idea why his vehicle was left abandoned. Since there is no complaint of his motorbike being stolen, or it having been taken away from him without permission, the irresistible conclusion is that the appellant had ridden SP11's motorcycle on that material date when he was with the deceased and SP8, and later abandoned it near the place of incident in his bid to escape. What is pertinent is that the recovery of the motorcycle confirmed the fact that the appellant was near the scene of the murder. SP8's overwhelming evidence merely sealed his fate.

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[5] Returning to the flow of the evidence, the deceased and SP8 eventually arrived at the appellant's mother's house, but on the pretext that she was not in, told them to follow him to Kampung Permatang Kuatan. Likewise, she was not there. They then returned to the deceased's house. Enroute home the appellant stopped the deceased and struck her with that piece of metal ('P10'). In a nutshell when the appellant hit the deceased, SP8 was there and had witnessed the incident first hand. Before striking the deceased at the place of incident whilst they were still astride on the motorcycle, the appellant again repeated the threat and its reason. She saw the appellant then striking the deceased's neck and forehead with great force. She testified that her mother who was on the motorcycle never struggled or fought back. Apart from the impossibility of defending herself due to her predicament, it would also go against the grain of logic to pick a quarrel with the appellant. By no account of reason or logic, the deceased could have physically done anything that deserved the kind of retribution emanating from the appellant. SP8 saw blood oozing from the deceased's neck and forehead and saw her unconscious due to that brutal attack. She confirmed the identification of the appellant at an identification parade and in court as the murderer.

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- A [6] So, why did the appellant kill the deceased? According to SP8, the appellant had several times threatened to kill the deceased for rejecting his overtures to marry her ie SP8. The latter told a few people including the aunt of the deceased ie SP4 of this threat. The latter's house which is a about 'an electric pole' apart from that of the deceased's house confirmed that the
- B appellant often came to that house. SP9 also confirmed that SP8 related the threat to him. There was thus consistency in her story of the appellant's threat.

- C [7] The medical reports established that the deceased died of injuries after being hit by a hard object. SP5 who did the post mortem found the following injuries:

- (a) luka robek yang tak teratur pada dahi kiri di atas kening berukuran 6.5 x 2 cm.
- (b) Luka robek berbentuk bulan sabit pada pelipis kiri di hujung luar sudut mata kiri berukuran 2.5 x 0.7 cm.
- D (c) Luka robek yang dangkal pada sudut dagu sebelah kiri berukuran 3 x 0.7 cm.
- (d) Pada dagu kiri tersebut terdapat luka calar berganda bergaris.
- (e) Luka calar bercorak seperti kesan rantai leher pada leher kiri berukuran 15 x 0.5 cm.
- E (f) Lebam yang luas pada leher dan dagu kiri.
- (g) Lebam yang agak luas pada bahu kiri.

- F [8] He further testified:

- G Saya teruskan dengan pemeriksaan dalam kepala. Terdapat bekuan darah di bawah kulit kepala di belakang telinga kanan di sekitar mastoid. Tulang tengkorak-patah tulang tengkorak frontal kiri pada bahagian supra — orbital reach. Patah tulang ini berkeping-keping dan lekuk ke dalam dan bentuknya melengkung. Patah ini berlanjutan ke tulang dasar tengkorak supra-orbital dan ethmoid. Tulang zygoma kiri juga patah.

Pemeriksaan otak — terdapat pendarahan sub durra. Otaknya 1200 gm dan sembab.

- H Bahagian tubuh yang lain saya tidak periksa. Sebab kematian ialah kecederaan kepala teruk akibat terkena benda tumpul.

... Pada pendapat saya serangan datang sekurang-kurangnya 3 kali.

- I ... Pada jasad tidak terdapat luka tangkis yang ketara. Oleh itu pada pendapat saya tidak ada pergelutan. Saya nampak serangan datang dengan tiba-tiba tanpa warning. Ini disebabkan tiada luka tangkis ...

Setuju 3 jenis kecederaan didapati ... *Pada pengamatan saya luka robek di dahi yang menampakkan otak menyebabkan kematian ... Perhatikan main injury di sini kemungkinannya tipis bagi mangsa untuk hidup mahupun dengan rawatan. ... Luka*

calar tidak fatal. Yang fatal ialah luka yang memecahkan tulang tengkorak. Daripada pengalaman saya dengan luka seperti ini jarang mangsa yang survive.

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[9] In brief SP5 found dried blood below the skin behind the right ear around the mastoid region with the skull crushed. Blood was found in the deceased's brain. The reason for her death was that there was severe injury to the forehead as a result of being struck at least thrice by a blunt object. SP5 believed that the attack came without warning and the deceased put up no struggle at any time; this confirmed SP8's testimony. By his account, the deceased would not have survived the injuries found on the forehead which had led to the skull being crushed, leading to the exposure of the brain.

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[10] The learned judge at the end of the prosecution was satisfied that a prima facie case of murder under s 302 of the Penal Code had been established. He was satisfied that SP8's evidence had materially been supported by independent evidence, amongst others not only of the presence of the appellant with the deceased when the attack took place, the identity of the assailant having been established, but also his intention to kill the deceased. We therefore rejected the contention that the prosecution's case depended much on circumstantial evidence. We were thus satisfied that the learned judge had not committed any error when he was satisfied that a prima facie case had been established by the prosecution and thereafter calling the defence.

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[11] At the defence stage the appellant elected to give evidence on oath. He called his father and two sisters as his witnesses. The appellant's case began by alleging that SP8 was an interested witness and not corroborated by any independent evidence. Her evidence therefore was unreliable and to be rejected. On that score the prosecution had failed to establish its case. Added to that, in the course of his defence he testified that he suffered memory afflictions. His other witnesses equated that as insanity. As regards this defence of insanity, ventilated during the full trial and also before us, the appellant in his written submission wrote:

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Oleh itu ia menyokong pembelaan tidak waras (insanity) perayu sepertimana yang berlaku ke atas si mati. Perayu tidak ingat akan kejadian sebenar ketika beliau memukul si mati. Ini menunjukkan bahawa beliau telah hilang ingatan ketika itu. Berdasarkan kepada fakta dan hujahan di perenggan 5.4 di atas, maka ketiadaan motif menyokong pembelaan tak waras (insanity).

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[12] Before touching on his defence, may we discuss the issue of whether by so being in an 'interested position' this had affected SP8's evidence. It must, at the outset be stated that her sworn evidence had been corroborated in every way by independent evidence especially by SP7, the presence of SP11's motorcycle, which had been borrowed by the appellant earlier, and the

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- A evidence of SP4 and SP9. There is no known legal presumption or otherwise, that states that every time an interested witness testifies his evidence must be disbelieved without more. Unless there is any cogent evidence to show otherwise his evidence is entitled to be believed (*Public Prosecutor v Fong Chee Cheong* [1970] 1 MLJ 97; *Balasingham v Public Prosecutor* [1959] MLJ 193). In this case, she merely related what happened on that day, and without any contrary evidence having been adduced her evidence was entitled to credence.
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- [13] It was obvious that the appellant had put up a defence of loss of memory whilst unwittingly his other witnesses were alleging he was of unsound mind. His defence route in a nutshell was at variance with that of his other witnesses. At no stage of his testimony did he evince that he was of unsound mind. This independent defence of loss of memory as testified by the appellant himself was rejected by the learned judge, as it was unacceptable that he could not remember the incriminating memories whilst he could remember incidents that had no connection to the murder incident, though they had happened at about the same time. We reproduce what the learned judge said, and it reads:
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- E Pembelaan tertuduh secara umum ialah dia tak ingat, dia tak tahu sementara saksi-saksinya cuba menimbulkan kemungkinan tertuduh mengalami kecacatan mental berdasarkan beberapa kejadian di rumahnya di mana tertuduh pernah memecah pinggan dan memukul pintu hingga pecah dan kemudian tak tahu/lupa apa yang telah dilakukan ... Walaupun jika diterima kemungkinan tertuduh tak sedar apa yang dilakukan pada masa-masa tertentu seperti dikatakan pernah berlaku adalah sukar untuk diterima dia tak ingat/sedar semuanya dibuktikan dilakukannya dalam jangka masa yang panjang sedangkan dia ingat pula perkara-perkara yang tidak boleh mengaitkannya dengan kesalahan ini dalam tempoh masa yang sama.
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- [14] As regards the bizarrely independent approach undertaken by the appellant's other witnesses, the reason for saying he was of unsound mind was that he had smashed the crockery, broken down the door and thereafter failing to remember or did not know what had transpired earlier. To top it all no medical evidence was adduced to support the unsound mind contention. Not surprisingly the learned judge also rejected that defence. In the broad grounds of judgment, he said:
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- H Mengenai keadaan mental tertuduh tiada bahan dikemukakan oleh pembelaan yang boleh menunjukkan dia tidak waras hingga tak tahu apa yang dilakukan itu satu kesalahan dari segi undang-undang. Keterangan saksi-saksi pembelaan bercanggah tentang hal ini dan hanya berapa dakwaan kosong ... Walaupun diterima tertuduh pernah berkelakuan aneh ia tidak semestinya bermakna dia tidak waras. Oleh itu tiada dikemukakan oleh pihak pembelaan apa-apa bahan yang boleh diterima untuk membolehkan Mahkamah ini membuat penentuan bahawa tertuduh tidak waras semasa melakukan perbuatan salah ini.
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- [15] To be fair to the appellant, his counsel did file an application before the

judge to have him referred to a psychiatrist pursuant to s 342 of the Criminal Procedure Code, on the sole reason that he was never referred to one before. This was done before the first prosecution witness was called. This relevant provision reads:

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When a Judge ... holding a trial has reason to suspect that the accused person is of unsound mind and consequently incapable of making his defence, he shall in the first instance investigate the fact of such unsoundness.

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[16] The learned deputy public prosecutor objected to this application, as there was no reason or evidence adduced in court for him to be referred to any psychiatrist to establish the fact of his unsound mind. To apply under this provision, merely because he had never been referred to a psychiatrist before per se, would surely not satisfy its prerequisites. As the learned judge found no suspicion of him suffering any form of unsoundness of mind, and alluding to his discretionary power had correctly rejected the application.

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[17] Perusing the notes of proceedings, the matter of unsound mind never cropped up again, whether during the prosecution's case, the close of its case, or even in the appellant's submission before the defence was called. It reared its head again only when the appellant's witnesses attempted to suggest (not by the appellant himself), and without any medical basis, that he was of unsound mind.

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[18] Section 84 of the Penal Code legislates that nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law. Even though the appellant has alluded to the term 'insane' in his submission, the phrase promulgated in s 84 is 'unsoundness of mind'. 'Insanity' which speaks of 'disease of the mind', is a term used in *M'Naghten's Case* (1843) 10 Cl & Fin 200 or generally referred to as *Mc Naghten's Rule*.

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[19] Section 84 demands that:

- (a) at the time of doing it;
- (b) the person by reason of unsoundness of mind;
- (c) is incapable of knowing;
- (d) the nature of the act; or
- (e) that he is doing what is either wrong or contrary to law.

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[20] Two limbs entitle him to an acquittal. First, if at the time of doing the act, by reason of unsoundness of mind, he did not know the nature of the act,

- A or if he knew the nature of the act did not know that it was either wrong or contrary to law (*Criminal Law in Singapore and Malaysia Text and Materials* by KL Koh, CMV Clarkson and NA Morgan). For purposes of this appeal, the crucial time of having an unsound mind therefore is at the time of the brutal attack, and not before or after the act (*John Dawlat Moon* (1927) 29 Cr LJ 393; 1928 AIR (P) 363). A plea of unsoundness of mind at the time of trial will not avail an accused person (*Nota Ram* (1866) PR No 56 of 1866: *The Law of Crimes by Ratanlal*, at p 165). Regardless of the other relevant prerequisites of s 84, it is incontrovertible that unless this preliminary factor of unsoundness of mind is established first, this defence cannot prevail.
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- [21] It is established law that the burden of proof lies on the appellant that is if he wishes the court to believe that he was of unsound mind at the time when he committed the offence. Needless to say, this defence of unsound mind needs to be established at the earliest possible moment ie at the prosecution's stage.
- D This is to avoid any allegation of afterthought. Regretfully for the appellant this did not take place here.

- [22] Matters were not in his favour again as even at the defence stage he failed to adduce any medical evidence of his mental unsoundness. Under s 105 of the Evidence Act, the legal burden is on the appellant to establish the fact that he committed the act in a moment of unsound mind (*Jayasena v R* [1970] 1 All ER 219). In an English case, *Woolmington v Deputy Public Prosecutor* [1935] AC 462 the court reiterated that for a defence of insanity, the legal burden of proof on the balance of probability, is placed on an accused person. Expert evidence, which is imperative in matters of unsound mind, in order to assist the learned judge as to his affliction, was clearly absent here (s 45 of the Evidence Act 1950; *Nobin Chunder Banerjee* (1873) 20 WR (Cr) 70).
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- G [23] Despite all his failures, viz to suggest unsoundness of mind at the prosecution's stage, or of his failure to adduce medical evidence, this panel did not shirk from considering this defence, however weak his attempt was (*Alcontara a/l Ambross Anthony v Public Prosecutor* [1996] 1 CLJ 705). Having perused the evidence in totality we were satisfied that this defence had not been successfully established and thus could not stand.
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- [24] By virtue of the appellant's failure to rebut the prosecution's case, it was no surprise that the learned judge was satisfied that the prosecution had proven its case beyond reasonable doubt, hence the finding of guilty, followed by the
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conviction and sentence of death. Based on all the above reasons we likewise had no compunction in dismissing the appeal. We affirmed the finding of guilt, the conviction and also the sentence of death.

Appeal dismissed.

Reported by Kanesh Sundrum

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